

PALMER BIEZUP & HENDERSON LLP

By: Michael B. McCauley (MM 7231)

140 Broadway, 46th Floor

PMB 46030

New York, NY 10005

212 406 1855

Attorneys for Defendants Bean Dredging LLC,

Bean Excavation, LLC, C.F. Bean LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERIC GROVE,

Plaintiff,

vs.

BEAN DREDGING, LLC, *et al.*

Defendants/Third-Party Plaintiffs,

vs.

GMD SHIPYARD CORP., and
BINDER MACHINERY COMPANY, LLC,

Third-Party Defendants.

:
: Civ. No: 07 CV 8650
:

:
: The Honorable John G. Koeltl
:

:
: **REPLY TO THIRD-PARTY**
: **DEFENDANT'S COUNTERCLAIM**
:

Defendants and Third-Party Plaintiffs Bean Dredging, LLC, Bean Excavation, LLC, and C.F. Bean, LLC (hereinafter "Third-Party Plaintiffs"), by their undersigned attorneys, submit the following Reply to Third Party Defendant GMD Shipyard Corporation's Counterclaim as follows:

1. Denied.

2. To the extent paragraph two of third-party defendant's counterclaim calls for legal conclusions, no response is required by defendants. To the extent paragraph two of third-party defendant's counterclaim includes factual allegations, defendants deny the same.

3. To the extent paragraph three of third-party defendant's counterclaim calls for legal conclusions, no response is required by defendants. To the extent paragraph three of third-party defendant's counterclaim includes factual allegations, defendants deny the same.

FIRST SEPARATE DEFENSE

The Counterclaim fails to state a claim for which relief may be granted.

SECOND SEPARATE DEFENSE

The averments in Defendants' Third Party Complaint and the averments and defenses set forth in the Defendants' Answer to the Complaint are incorporated herein.

WHEREFORE, Defendants/Third Party Plaintiffs Bean Dredging, LLC, Bean Excavation, LLC, and C.F. Bean, LLC pray that the GMD Shipyard Corporation's Counterclaim be dismissed with prejudice, with an award of costs, attorney's fees, and such other relief as this Honorable Court may deem appropriate.

Respectfully submitted,

PALMER BIEZUP & HENDERSON LLP

Dated: New York, New York
February 19, 2008

By: /s/ Michael B. McCauley
Michael B. McCauley (MM 7231)
Attorneys for Defendants
Bean Dredging LLC,
Bean Excavation, LLC, C.F. Bean LLC
140 Broadway, 46th Floor, PMB 46030
New York, NY 10005
mmccauley@pbh.com

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that service of a true and correct copy of Defendants/Third-Party Plaintiffs' Reply to Third Party Defendant GMD Shipyard Corporation's Counterclaim was made to the below-listed on February 19, 2008 via United States First-Class Mail, postage prepaid, as follows:

Michael H. Zhu, Esq.
MICHAEL H. ZHU, ESQ. P.C.
14 Wall Street, 22nd Floor
New York, NY 10005

Samuel J. Rosenthal, Esq.
BARISH/ROSENTHAL
Three Parkway, Suite 1320
1601 Cherry Street
Philadelphia, PA 19102

Craig S. English, Esq.
KENNEDY LILLIS SCHMIDT & ENGLISH
75 Maiden Lane, Suite 402
New York, NY 10038-4816

BINDER MACHINERY CO., LLC
2820 Hamilton Boulevard
South Plainfield, NJ 07080

PALMER BIEZUP & HENDERSON LLP

Dated: New York, New York
February 19, 2008

By: /s/ Michael B. McCauley
Michael B. McCauley (MM 7231)
Attorneys for Defendants,
Bean Dredging LLC,
Bean Excavation, LLC, C.F. Bean LLC
140 Broadway, 46th Floor
PMB 46030
New York, NY 10005
212 406 1855
mccauley@pbh.com